

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the matter of:

Case No. 08-57422

ANTONIO ATTARD,

Chapter 13

Debtor. /

Hon. Thomas J. Tucker

ANTONIO ATTARD,

Plaintiff(s),

vs.

Adv. Pro. No. 08-5064

AMERICAN HOME MORTGAGE SERVICES, INC.,

Defendant(s). /

ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on "Plaintiff's Motion for Reconsideration of Order Denying Motion for Summary Judgment," filed on May 29, 2009 (Docket # 36, the "Motion"), which this Court construes as a motion for reconsideration of the May 20, 2009 Order denying both Defendant's and Plaintiff's motions for summary judgment (Docket # 31), and

The Court having reviewed and considered the motion for reconsideration, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. The summary judgment record does not establish, beyond a genuine issue of material fact, that Wayne County Sheriff Evans did *not* appoint Adrienne Sanders in a manner permitted by the relevant statutes. And there is no admissible evidence in the current record to support the assertion in the Motion that the specific

written appointment referred to was "signed by someone on behalf of the Sheriff, . . ." rather than by the Sheriff himself.

NOW, THEREFORE,

IT IS ORDERED that the motion for reconsideration should be, and hereby is, DENIED.

Signed on June 01, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge